

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

Application No.: 10/817,353
Filing Date: April 2, 2004
Applicant: Blaine Rexel Bateman et al.
Group Art Unit: 2821
Confirmation No.: 3291
Examiner: Douglas W. Owens
Title: ANTENNA ARRAYS AND METHODS OF MAKING THE SAME
Attorney Docket: 9062A-000087/US

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

LETTER TO U.S. PATENT AND TRADEMARK OFFICE

Sir:

Attached for the Examination's information are copies of a PCT search report from a related PCT International Application Number PCT/US2004/010693 and office actions from the European, Chinese, and Korean national phase applications therefrom. Notably, the PCT application (and thus the national phases therefrom) claim priority to the same prior U.S. applications, i.e., U.S. Non-Provisional Patent Application 10/817,353 and U.S. Provisional Patent 60/461,689 as did the above-identified application U.S. Application Serial Number 11/382,190. Specifically, Applicant attaches copies of the following:

- International Search Report and Written Opinion from related PCT International Application Number PCT/US2004/010693 (published as International Publication Number WO 2004/093240 on October 28, 2008);

- An English translation (Applicant doesn't make any representation as to the accuracy of the translation) of an Office Action from Chinese Patent Application Number 200480008992.7, which is a national phase of PCT International Application Number PCT/US2004/010693;
- Copies of two Office Actions from European Patent Application Number 04759212.6, which is a national phase of PCT International Application Number PCT/US2004/010693; and
- Copy of a Korean patent office action rejection of an abandoned Korean Patent Application 10-2005-7018620, which is a national phase of a related PCT International Application Number PCT/US2004/010693. Applicant does not have an English translation of the attached Korean patent office action rejection. But Applicant notes that only U.S. Patent 5,339,089 appears to be cited in the Korean patent office action rejection.

While Applicant does not believe that U.S. Patent 5,338,089 has been cited by Applicant's prior attorneys, Applicant notes that EP 0 478 053 (which is a foreign European counterpart of U.S. Patent 5,339,089) was disclosed by Applicant in the March 28, 2006 IDS.

In the IDS filed by Applicant on March 28, 2006, the Form 1449 listed a Supplementary European Search Report for European Patent Application Number 04759212.6. Also listed on the Form 1449 were all five references listed in the Supplementary European Search Report.

The attached PCT Search Report identifies only one "category X" reference, i.e., U.S. Patent 5,339,089. The attached Korean and Chinese Office Action rely only upon a single reference, again U.S. Patent 5,339,089.

In addition to U.S. Patent 5,339,089, the PCT Search Report and Written Opinion also identify two "category Y" references, i.e., U.S. Patent 4,475,107 and U.S. Patent 5,075,820 (which have not already been made of record in the instant application). The second European Office Action also identifies two references, i.e., WO 00/03452 and WO 00/03453, that have not already been made of record in the instant application. The

three references set forth in the first European Office Action were disclosed by Applicant in the March 28, 2006 IDS.

Filed herewith is a Form 1449 listing the documents mentioned in the attached search reports and office actions that have not yet been made of record.

If it is determined that there is a fee due in connection with this letter, the PTO is requested to consider this letter under the proper rule (with a petition if necessary) and charge the appropriate fee to Deposit Account Number 08-0750.

Please charge any additional fees or credit any overpayment pursuant to 37 C.F.R. § 1.16 or § 1.17 to Deposit Account Number 08-0750.

Respectfully submitted,

/Anthony G. Fussner/

Dated: March 20, 2009

By: _____
Anthony G. Fussner, No. 47,582

Harness, Dickey & Pierce, P.L.C.
7700 Bonhomme, Suite 400
St. Louis, Missouri 63105
(314) 726-7500
(314) 726-7501 facsimile